

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

CIVIL LITIGATION DIVISION

July 30, 2014

Via E-file

Honorable Nancy F. Atlas
United State Courthouse
Attn: Shelia Ashabranner, Case Manager
515 Rusk Street, Room 9015
Houston, TX 77002-2601

Re: *True the Vote, et al. v. The Honorable Delbert Hosemann, et al.*
United States District Court - Southern District - Northern Division; NO.
3:14-cv-532-NFA

Dear Judge Atlas:

This Court's July 25, 2014 Order directed any party seeking summary judgment at this stage to notify the Court of its intention by July 30, 2014. This Court's Order further stated that any party seeking summary judgment at this stage must agree to a briefing schedule in which the final summary judgment briefs would be filed by August 22, 2014. By previous direction of the Court, the parties will complete the briefing of Plaintiffs' motion for preliminary injunction by August 21, 2014.

Plaintiffs' recent correspondence of today's date to the Court states their intention to file a motion for summary judgment targeting the Secretary of State in addition to their pending motion for preliminary injunction. The Secretary of State does not intend to file a separate, standalone motion for summary judgment at this time. Instead, the Secretary of State will file an opposition to Plaintiffs' motion for summary judgment which argues that Plaintiffs' motion should be denied and that summary judgment should instead be granted to the Secretary of State pursuant to Rule 56(f).

Plaintiffs' recent correspondence correctly states Plaintiffs and the Secretary of State have agreed to the following schedule for Plaintiffs' motion for summary judgment. Plaintiffs' motion for summary judgment shall be filed by August 6. Oppositions to the motion for summary judgment shall be filed by August 15. A reply shall be filed no later than August 22. Plaintiffs' recent correspondence incorrectly

represents, in footnote 1, that “[a]s the appointed Chief Election Officer, the Circuits are bound by the direction of the Secretary of State.” That is a legal issue disputed by the parties. The Secretary of State’s agreement to Plaintiffs’ proposed briefing schedule does not include any agreement to Plaintiffs’ representations in footnote 1 of their recent correspondence.

Sincerely,

S/Harold E. Pizzetta, III

Harold E. Pizzetta, III
Assistant Attorney General

HEPIII:fh

cc: All counsel of record (via e-file)